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OFFICE OF PETITIONS

In re Application of :
Shi Youl Noh :
Application No. 10/775,378 : DECISION DISMISSING
Filed: 26 November, 2004 : PETITION
Attorney Docket No. 2097-3-18 :

This is a decision on the petition filed on 26 November, 2004, which is treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of 9 February, 2004.

On 9 February, 2004, the application deposited.

On 27 September, 2004, accordingly, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that the filing date would be the date that drawings were received in compliance with 35 U.S.C. § 113 (first sentence). A two (2)-month period for reply was set.

In response, on 26 November, 2004, the present petition was filed, accompanied by a copy of three (3) sheets of drawings. Petitioner asserts that the application should be accorded a filing date of 9 February, 2004, based on a return receipt postcard showing that three (3) sheets of drawings were deposited with the original application papers.

The petition must be dismissed because no copy of petitioner's return receipt postcard showing that three (3) sheets of drawings were filed on 9 February, 2004, has been located among the papers filed with the present petition on 26 November, 2004. The petition is therefore dismissed without prejudice to reconsideration pending submission of a copy of petitioner's postcard receipt showing receipt of three (3) sheets of drawings

in the USPTO with the present application papers on 9 February, 2004.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of 26 November, 2004, the date that the drawings were received in the USPTO.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703)872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

As petitioners have not shown that this petition was necessitated by an error on the part of the Office, the fee for a petition under 37 CFR 1.53 is due. The balance of the \$400.00 petition fee due will be charged to counsel's deposit account, No. 50-2290.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions